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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,699	09/29/2000	Franz Vossen	00-601	1111

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EXAMINER

CHOI, STEPHEN

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,699

Applicant(s)VOSSEN, FRANZ *ed***Examiner**

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-61 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) 40-46, 48-51, 57-60, 64 and 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39, 47, 52-56, 61, 63 and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is noted that claim 66 was inadvertently omitted from the previous office action. However, the language of the claim 66 was previously taken from the originally presented claim 55 which was rejected in view of the Raveleau reference. Thus, it should have been clear to the applicant that the examiner intended to reject claim 66 under Raveleau in view of Vossen as applied to claim 39.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 39, 52-53, 55-56, 61, 63, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveleau (US 6,102,268) in view of Vossen et al. (US 5,181,640)

Raveleau discloses the invention substantially as claimed except for a dovetail-shaped configuration and a breaking-out tool and support means being arranged such that a broken-out piece is inclined relative to the sheet material. Raveleau teaches (col. 3, lines 38-39) that a head portion can be a large number of shapes. It would have been an obvious matter of design choice to make the different portions of the cross-sections of a receiving groove and the portion forming a coupling rib of whatever form or shape was desired or expedient as admitted by the applicant. It is noted that the invention would perform equally well with the arrangement shown on Raveleau and

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changing the head portion to dovetail shape configuration with a corresponding recess would perform the same functions. Furthermore, Vossen teaches a waste portion being transferred by a breaking-out member into an angle of inclination with respect to the sheet of material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Raveleau to arrange the breaking tool and the support means in such a way that the broken-out piece is transferred into an inclined position as taught by Vossen as an alternative arrangement for facilitating removal of the broken-out piece. Applicant should note that the limitation "support means" is not in compliance with the Supplemental Guidelines published in the Official Gazette on July 25, 2000. Such limitations cannot be used to invoke 35 USC 112, 6th paragraph, and have therefore been given their broadest reasonable interpretation, without considering equivalence.

4. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raveleau in view of Vossen as applied to claim 39 above, and further in view of JP 08294898.

The modified device of Raveleau discloses the invention substantially as claimed except for a rough surface. JP 08294898 teaches a pressure pin having a free end with a rough surface (10, 11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a rough surface as taught by JP 08294898 on the modified device of Raveleau in order to provide firm engagement of a tool to the workpiece such as to prevent the workpiece from sliding away.

Allowable Subject Matter

5. Claim 47 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 26 August 2004 have been fully considered but they are not persuasive.

Applicant contends that the device of Raveleau as modified by Vossen does not satisfy the limitation "... and wherein the breaking-out tool and the support means are arranged such that the broken-out piece is inclined relative to the sheet of material in the downward movement of the breaking-out tool." since Vossen teaches inclining the waste piece only later after breaking out of the waste piece.

The claim merely calls for the breaking-out tool and the support means being arranged so that the broken-out piece is inclined relative to the sheet of material in the downward movement of the breaking-out tool. Vossen clearly shows, on Figures 7-8, the broken-out piece being inclined relative to the sheet material as the breaking-out tool is in the downward movement.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC
9 February 2005


STEPHEN CHOI
PRIMARY EXAMINER